



RFA-101-2023 and other connected cases

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Date of decision: 22.08.2024

1. RFA-101-2023 (O & M)

SHIV KUMAR

...Appellant

Versus

STATE OF HARYANA AND OTHERS

...Respondents

2. RFA-102-2023 (O & M)

SHIV KUMAR

...Appellant

Versus

STATE OF HARYANA AND OTHERS

...Respondents

3. RFA-103-2023 (O & M)

RANBIR SINGH

...Appellant

Versus

STATE OF HARYANA AND OTHERS

...Respondents

4. RFA-104-2023 (O & M)

SHIV KUMAR @ SHEEL KUMAR

...Appellant

Versus

STATE OF HARYANA AND OTHERS

...Respondents

5. RFA-105-2023 (O & M)

IMARTI DEVI

...Appellant

Versus

STATE OF HARYANA AND OTHERS

...Respondents



RFA-101-2023 and other connected cases

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6. RFA-106-2023 (O & M)

ARUNA ALIAS ARUN SINGAL ...Appellant

Versus

STATE OF HARYANA AND OTHERS ...Respondents

7. RFA-108-2023 (O & M)

DEVENDER KUMAR ...Appellant

Versus

STATE OF HARYANA AND OTHERS ...Respondents

8. RFA-109-2023 (O & M)

BHIRAWA BAI AND OTHERS ...Appellants

Versus

STATE OF HARYANA AND OTHERS ...Respondents

9. RFA-110-2023 (O & M)

CHANDER BHAN AND ORS ...Appellants

Versus

STATE OF HARYANA AND OTHERS ...Respondents

10. RFA-111-2023 (O & M)

SURESH KUMAR AND ANR ...Appellants

Versus

STATE OF HARYANA AND OTHERS ...Respondents

**RFA-101-2023 and other connected cases****-3-****11. RFA-129-2023 (O & M)**

AASHA RANI @ USHA RANI AND ANOTHER ...Appellants

Versus

STATE OF HARYANA AND OTHERS ...Respondents

12. RFA-130-2023 (O & M)

KAILASHO DECEASED THROUGH LRS. AND ORS. ...Appellants

Versus

STATE OF HARYANA AND OTHERS ...Respondents

13. RFA-131-2023 (O & M)

SADHU RAM SINCE DECEASED THROUGH LRS ...Appellant

Versus

STATE OF HARYANA AND OTHERS ...Respondents

AND**14. RFA-137-2023 (O & M)**

KRISHAN KUMAR ...Appellant

Versus

STATE OF HARYANA AND OTHERS ...Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Ajay Jain, Advocate for
the LR's of appellant No.1 in RFA-130-2023.

None for the appellants in remaining appeals and
for appellants No.2 and 3 in RFA-130-2023.

Ms. Safia Gupta, AAG, Haryana.

Mr. Ram Kumar Saini, Advocate,
for respondents No.4 to 12 in RFA-130-2023.

**RAJBIR SEHRAWAT, J. (Oral)**

CM-354-CI-2023 in RFA-101-2023
CM-357-CI-2023 in RFA-102-2023
CM-358-CI-2023 in RFA-103-2023
CM-360-CI-2023 in RFA-104-2023
CM-371-CI-2023 in RFA-109-2023
CM-373-CI-2023 in RFA-110-2023
CM-375-CI-2023 in RFA-111-2023
CM-439-CI-2023 in RFA-129-2023
CM-442-CI-2023 in RFA-130-2023
CM-445-CI-2023 in RFA-131-2023

1. All these applications have been filed under Section 151 CPC seeking condonation of delay in re-filing the appeals.
2. In view of the grounds mentioned in the applications, the same are allowed and the delay in re-filing the appeals is condoned.

CM-441-CI-2023 in RFA-130-2023

1. This is an application for impleading the legal representatives of Kailasho (appellant No.1).
2. It is mentioned in the application that LR's of appellant No.1- Kailasho have already been impleaded by the Addl. District Judge, vide order dated 01.05.2018. It is also stated in the application that there is no other legal heir of the deceased, except the persons mentioned in para 2 of the application.
3. For the reasons mentioned in the application, the same is allowed, subject to all just exceptions. The persons mentioned in para 2 of the application are ordered to be impleaded as legal heirs of the Kailasho (appellant No.1), for the limited purpose of pursuing the present appeal only.

**CM-1891-CI-2024 in RFA-130-2023**

1. This is an application for impleading the legal representatives of appellant No.1(i) i.e. Jaivir Singh and appellant No.1(iiii) Ishwar @ Eshwar.
2. Counsel for the applicants submits that there is no other legal heirs of both the above-named deceased i.e. appellant No.1(i) i.e. Jaivir Singh and appellant No.1(iiii) Ishwar @ Eshwar, except the persons mentioned in para Nos.2 and 4 of the application.
3. For the reasons mentioned in the application, the same is allowed, subject to all just exceptions. The persons mentioned in para Nos. 2 and 4 of the application are ordered to be impleaded as legal heirs of appellant No.1(i) i.e. Jaivir Singh and appellant No.1(iiii) Ishwar @ Eshwar, respectively, for the limited purpose of pursuing the present appeal only. Amended memo of parties is taken on record.

CM-444-CI-2023 in RFA-131-2023

1. This is an application for impleading the legal representatives of appellant No.1(iv) i.e. Ram Nath.
2. It is mentioned in the application that there is no other legal heir of the deceased-appellant No.1(iv) i.e. Ram Nath, except the persons mentioned in para 2 of the application.
3. For the reasons mentioned in the application, the same is allowed, subject to all just exceptions. The persons mentioned in para 2 of the application are ordered to be impleaded as legal heirs of appellant No.1 (iv) i.e. Ram Nath, for the limited purpose of pursuing the present appeal



only.

Main Appeals:

1. This order shall dispose of the above-mentioned 14 regular first appeals as common questions of facts and law are involved therein.
2. Challenge in the present appeals is to the award dated 29.01.2020 passed by learned Addl. District Judge, Hisar, vide which market value of the acquired land has been fixed at the rate of Rs.750/- per square yard on the date of notification i.e. 29.08.2005, under Section 4 of the Land Acquisition Act 1894 (for short, 'the Act'), and the appellants/land owners have been held entitled to all the statutory benefits as provided under Section 23(1-A) 23(2) and 28 of the Act.
3. The facts as involved in the case and as can be gathered from the order of the court below, are as under:

“2. The facts as stated, in brief, are that vide Notification no.LAC(H) 2005/288 dated 29.08.2005 under section 4 of the Act followed by another notification no.LAC(H) N.T.L.A./2006/324 dated 29.08.2006, under Section 6 of the Act, State of Haryana acquired 229.13 acre land for the purpose of development and utilization of Commercial and residential Sectors 3, 5 and 6 of Hansi. Thereafter, Land Acquisition Collector, Hisar, vide award no.1 dated 03.08.2007 awarded compensation in respect of the acquired land to the land owners at the rate of Rupees 12,00,000/- of land falling on Delhi-Hisar road upto 2 acres from the road, Rupees 10,00,000/- of land falling on Jind bye-pass road upto 2 acres and Rupees 8,00,000/- per acre for the remaining entire land.”



4. Counsel for LR's of appellant No.1 in RFA-130-2023 has submitted that after more than one round of litigation, the issue of compensation to which the appellants are entitled, had reached the Hon'ble Supreme Court. The Hon'ble Supreme Court, vide judgment dated 17.10.2022 passed in Civil Appeal No.7391-2022, titled as 'Radhey Sham Vs. State of Haryana and others', has granted an amount of Rs.1,000/- per square yard as compensation uniformly for the entire land involved in the acquisition. He has further submitted that case of the appellants is covered by the said judgment.

5. The factum of the issue having been finally decided by the Hon'ble Supreme Court, is not even disputed by the counsel for the respondent-State. Even the fact that the land of the appellant was acquired in the same acquisition, and also the fact that the case of the appellants is covered by the said judgment, are not disputed by the counsel for the respondent-State.

6. In view of the above, the above-captioned appeals are allowed in the same terms as in the order passed by the Hon'ble Supreme Court in 'Radhey Sham's case (supra)'.

7. Pending application, if any, shall stand disposed of.

22.08.2024

parveen kumar

(RAJBIR SEHRAWAT)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No